

Chief Clerk of the House

FILED MAR 13 1997

By

Mowery

H J.R. No. 104

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to eliminating  
2 duplicate numbering in and certain obsolete provisions of the Texas  
3 Constitution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 48-e, Article III, Texas Constitution, as  
6 proposed by H.J.R. No. 18, 70th Legislature, Regular Session, 1987,  
7 is redesignated as Section 48-f to read as follows:

8 Sec. 48-f [48-e]. The legislature, by law, may provide for  
9 the creation, operation, and financing of jail districts and may  
10 authorize each district to issue bonds and other obligations and to  
11 levy an ad valorem tax on property located in the district to pay  
12 principal of and interest on the bonds and to pay for operation of  
13 the district. An ad valorem tax may not be levied and bonds  
14 secured by a property tax may not be issued until approved by the  
15 qualified electors of the district voting at an election called and  
16 held for that purpose.

17 SECTION 2. Section 52e, Article III, Texas Constitution, as  
18 proposed by S.J.R. No. 37, 60th Legislature, Regular Session, 1967,  
19 is redesignated as Section 52g and amended to read as follows:

20 Sec. 52g [52e]. Bonds to be issued by Dallas County under  
21 Section 52 of Article III of this Constitution for the  
22 construction, maintenance and operation of macadamized, graveled or  
23 paved roads and turnpikes, or in aid thereof, may, without the  
24 necessity of further or amendatory legislation, be issued upon a

1 vote of a majority of the residents [~~resident--property--taxpayers~~]  
2 voting thereon who are qualified electors of said county, and bonds  
3 heretofore or hereafter issued under Subsections (a) and (b) of  
4 said Section 52 shall not be included in determining the debt limit  
5 prescribed in said Section.

6 SECTION 3. Section 61, Article III, Texas Constitution, as  
7 proposed by S.J.R. No. 5, 53rd Legislature, Regular Session, 1953,  
8 is redesignated as Section 61-a to read as follows:

9 Sec. 61-a [61]. The Legislature shall not fix the salary of  
10 the Governor, Attorney General, Comptroller of Public Accounts, J  
11 Commissioner of the General Land Office or Secretary of State at a  
12 sum less than that fixed for such officials in the Constitution on  
13 January 1, 1953.

14 SECTION 4. Section 1, Article VI, Texas Constitution, is  
15 amended to read as follows:

16 Sec. 1. The following classes of persons shall not be  
17 allowed to vote in this State, to wit:

18 First: Persons under 18 [~~twenty-one-(21)~~] years of age.

19 Second: All persons who have been determined mentally  
20 incompetent by a court, subject to such exceptions as the  
21 Legislature may make. [~~Idiots-and-lunatics.~~]

22 Third: [~~All-paupers-supported-by-any-county.~~]

23 [~~Fourth.~~] All persons convicted of any felony, subject to  
24 such exceptions as the Legislature may make.

25 SECTION 5. Section 2, Article VI, Texas Constitution, is  
26 amended to read as follows:

27 Sec. 2. Every person subject to none of the foregoing

1       disqualifications who shall have attained the age of 18 [~~twenty-one~~  
2       ~~(21)~~] years and who shall be a citizen of the United States and who  
3       is a resident of [~~shall have resided in~~] this State [~~one-(1)-year~~  
4       ~~next-preceding-an-election-and-the-last-six-(6)-months--within--the~~  
5       ~~district--or--county-in-which-such-person-offers-to-vote,~~] shall be  
6       deemed a qualified elector; provided, however, that before  
7       offering to vote at an election a voter shall have registered  
8       [~~annually~~], but such requirement for registration shall not be  
9       considered a qualification of an elector within the meaning of the  
10      term "qualified elector" as used in any other Article of this  
11      Constitution in respect to any matter except qualification and  
12      eligibility to vote at an election. [~~Any--legislation--enacted--in~~  
13      ~~anticipation-of-the-adoption-of-this-Amendment-shall-not-be-invalid~~  
14      ~~because-of-its-anticipatory-nature,~~] The Legislature may authorize  
15      absentee voting. [~~And-this-provision-of-the-Constitution-shall-be~~  
16      ~~self-enacting-without-the-necessity-of-further-legislation,~~]

17           SECTION 6. Section 3, Article VI, Texas Constitution, is  
18      amended to read as follows:

19           Sec. 3. All qualified electors of the State, as herein  
20      described, who reside [~~shall--have--resided---for---six---months~~  
21      ~~immediately--preceding--an-election,~~] within the limits of any city  
22      or corporate town, shall have the right to vote for Mayor and all  
23      other elective officers[~~;---but--in--all--elections--to-determine~~  
24      ~~expenditure-of-money-or-assumption-of-debt,~~ only those shall be  
25      qualified to vote who pay taxes on property in said city or  
26      incorporated town; provided, that no poll tax for the payment of  
27      debts thus incurred, shall be levied upon the persons debarred from

1 voting-in-relation-thereto].

2 SECTION 7. Section 3, Article VII, Texas Constitution, is  
3 amended to read as follows:

4 Sec. 3. The [One-fourth-of--the--revenue--derived--from--the  
5 State--occupation--taxes--and--poll--tax--of--one--dollar--on--every  
6 inhabitant-of-the-State,--between-the-ages-of-twenty-one--and--sixty  
7 years,--shall--be--set-apart-annually-for-the-benefit-of-the-public  
8 free-schools,--and-in-addition-thereto,--there-shall--be--levied--and  
9 collected--an--annual-ad-valorem-State-tax-of-such-an-amount-not-to  
10 exceed-thirty-five-cents--on--the--one--hundred--(\$100.00)--dollars  
11 valuation,--as-with-the-available-school-fund-arising-from-all-other  
12 sources,--will--be--sufficient--to--maintain-and-support-the-public  
13 schools-of-this-State-for-a-period-of-not-less-than-six--months--in  
14 each-year,--and-it-shall-be-the-duty-of-the-State-Board-of-Education  
15 to--set--aside--a--sufficient-amount-out-of-the-said-tax-to-provide  
16 free-text-books-for-the-use-of-children-attending-the--public--free  
17 schools-of-this-State,--provided,--however,--that-should-the-limit-of  
18 taxation--herein--named--be--insufficient-the-deficit-may-be-met-by  
19 appropriation--from--the--general--funds--of--the--State--and--the]  
20 Legislature may [also] provide for the formation of school district  
21 by general laws; and all such school districts may embrace parts of  
22 two or more counties, and the Legislature shall be authorized to  
23 pass laws for the assessment and collection of taxes in all said  
24 districts and for the management and control of the public school  
25 or schools of such districts, whether such districts are composed  
26 of territory wholly within a county or in parts of two or more  
27 counties, and the Legislature may authorize an [additional] ad

1       valorem tax to be levied and collected within all school districts  
2       heretofore formed or hereafter formed, for the [further]  
3       maintenance of public free schools, and for the erection and  
4       equipment of school buildings therein; provided that a majority of  
5       the qualified [~~property-taxpaying~~] voters of the district voting at  
6       an election to be held for that purpose approve the [~~7-shall-vote~~  
7       such] tax [~~not-to-exceed-in-any-one-year-one-(\$1.00)-dollar-on--the~~  
8       one--hundred--dollars-valuation-of-the-property-subject-to-taxation  
9       in-such-district,7-but-the-limitation--upon--the--amount--of--school  
10       district--tax--herein--authorized--shall--not-apply-to-incorporated  
11       cities--or--towns--constituting--separate--and--independent--school  
12       districts,7-nor-to-independent-or-common-school-districts-created-by  
13       general-or-special-law].

14       SECTION 8. Section 16, Article VII, Texas Constitution, as  
15       proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927,  
16       is redesignated as Section 16-a to read as follows:

17       Sec. 16-a [46]. The Legislature shall fix by law the terms  
18       of all offices of the public school system and of the State  
19       institutions of higher education, inclusive, and the terms of  
20       members of the respective boards, not to exceed six years.

21       SECTION 9. The following constitutional provisions are  
22       repealed:

23       (1) the constitutional amendment proposed by S.J.R.  
24       No. 5, 49th Legislature, Regular Session, 1945, relating to an  
25       appropriation to John Tarleton Agricultural College;

26       (2) Section 49-g, Article III, Texas Constitution, as  
27       proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987;

1       and

2                   (3) Section 44(h), Article XVI, Texas Constitution, as  
3       proposed by H.J.R. No. 21, 73rd Legislature, Regular Session,  
4       1993.

5           SECTION 10. This proposed constitutional amendment shall be  
6       submitted to the voters at an election to be held November 4, 1997.  
7       The ballot shall be printed to permit voting for or against the  
8       proposition:     "The constitutional amendment eliminating duplicate  
9       numbering in and certain obsolete provisions of the Texas  
10      Constitution."

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

By Mowery

H.J.R. No. 104

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11 levy an ad valorem tax on property located in the district to pay  
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23 paved roads and turnpikes, or in aid thereof, may, without the  
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1 vote of a majority of the residents [~~resident--property--taxpayers~~]  
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20 incompetent by a court, subject to such exceptions as the  
21 Legislature may make. [~~Idiots-and-lunatics.~~]

22 Third: [~~All-paupers-supported-by-any-county.~~

23 [~~Fourth:~~] All persons convicted of any felony, subject to  
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 2       ~~(21)~~] years and who shall be a citizen of the United States and who  
 3       is a resident of [~~shall-have-resided-in~~] this State [~~one-(1)-year~~  
 4       ~~next-preceding-an-election-and-the-last-six-(6)-months--within--the~~  
 5       ~~district--or--county-in-which-such-person-offers-to-vote,~~] shall be  
 6       deemed a qualified elector; provided, however, that before  
 7       offering to vote at an election a voter shall have registered  
 8       [~~annually~~], but such requirement for registration shall not be  
 9       considered a qualification of an elector within the meaning of the  
 10      term "qualified elector" as used in any other Article of this  
 11      Constitution in respect to any matter except qualification and  
 12      eligibility to vote at an election. [~~Any--legislation--enacted--in~~  
 13      ~~anticipation-of-the-adoption-of-this-Amendment-shall-not-be-invalid~~  
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 21      ~~immediately--preceding--an-election,~~] within the limits of any city  
 22      or corporate town, shall have the right to vote for Mayor and all  
 23      other elective officers[~~;---but--in--all--elections--to-determine~~  
 24      ~~expenditure-of-money-or-assumption-of-debt,~~ only those shall be  
 25      qualified to vote who pay taxes on property in said city or  
 26      incorporated town; provided, that no poll tax for the payment of  
 27      debts thus incurred, shall be levied upon the persons debarred from

1     ~~voting-in-relation-thereto~~].

2             SECTION 7.   Section 3, Article VII, Texas Constitution, is  
3     amended to read as follows:

4             Sec. 3.   The ~~[One-fourth-of--the--revenue--derived--from--the~~  
5     ~~State--occupation--taxes--and--poll--tax--of--one--dollar--on--every~~  
6     ~~inhabitant-of-the-State,--between-the-ages-of-twenty-one--and--sixty~~  
7     ~~years,--shall--be--set-apart-annually-for-the-benefit-of-the-public~~  
8     ~~free-schools,--and-in-addition-thereto,--there-shall--be--levied--and~~  
9     ~~collected--an--annual-ad-valorem-State-tax-of-such-an-amount-not-to~~  
10    ~~exceed-thirty-five-cents--on--the--one--hundred--(\$100.00)--dollars~~  
11    ~~valuation,--as-with-the-available-school-fund-arising-from-all-other~~  
12    ~~sources,--will--be--sufficient--to--maintain-and-support-the-public~~  
13    ~~schools-of-this-State-for-a-period-of-not-less-than-six--months--in~~  
14    ~~each-year,--and-it-shall-be-the-duty-of-the-State-Board-of-Education~~  
15    ~~to--set--aside--a--sufficient-amount-out-of-the-said-tax-to-provide~~  
16    ~~free-text-books-for-the-use-of-children-attending-the--public--free~~  
17    ~~schools-of-this-State,--provided,--however,--that-should-the-limit-of~~  
18    ~~taxation--herein--named--be--insufficient-the-deficit-may-be-met-by~~  
19    ~~appropriation--from--the--general--funds--of--the--State--and--the]~~  
20    Legislature may [also] provide for the formation of school district  
21    by general laws; and all such school districts may embrace parts of  
22    two or more counties, and the Legislature shall be authorized to  
23    pass laws for the assessment and collection of taxes in all said  
24    districts and for the management and control of the public school  
25    or schools of such districts, whether such districts are composed  
26    of territory wholly within a county or in parts of two or more  
27    counties, and the Legislature may authorize an [additional] ad

valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the [further] maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified [property-taxpaying] voters of the district voting at an election to be held for that purpose approve the [~~7-shall-vote~~ such] tax [~~not-to-exceed-in-any-one-year-one-(\$1.00)-dollar-on--the one--hundred--dollars-valuation-of-the-property-subject-to-taxation in-such-district,--but-the-limitation--upon--the--amount--of--school district--tax--herein--authorized--shall--not-apply-to-incorporated cities--or--towns--constituting--separate--and--independent--school districts,--nor-to-independent-or-common-school-districts-created-by general-or-special-law~~].

SECTION 8. Section 16, Article VII, Texas Constitution, as proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927, is redesignated as Section 16-a to read as follows:

Sec. 16-a [~~16~~]. The Legislature shall fix by law the terms of all offices of the public school system and of the State institutions of higher education, inclusive, and the terms of members of the respective boards, not to exceed six years.

SECTION 9. The following constitutional provisions are repealed:

(1) the constitutional amendment proposed by S.J.R. No. 5, 49th Legislature, Regular Session, 1945, relating to an appropriation to John Tarleton Agricultural College;

(2) Section 49-g, Article III, Texas Constitution, as proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987;

1       and

2                   (3) Section 44(h), Article XVI, Texas Constitution, as  
3       proposed by H.J.R. No. 21, 73rd Legislature, Regular Session,  
4       1993.

5           SECTION 10. This proposed constitutional amendment shall be  
6       submitted to the voters at an election to be held November 4, 1997.  
7       The ballot shall be printed to permit voting for or against the  
8       proposition: "The constitutional amendment eliminating duplicate  
9       numbering in and certain obsolete provisions of the Texas  
10      Constitution."

COMMITTEE AMENDMENT NO. 1

Amend H.J.R. 104 to read as follows:

(1) On page 4, strike lines 4-8 and substitute "Sec. 3. One-fourth of the revenue derived from the State occupation taxes [~~and--poll--tax--of--one--dollar--on--every--inhabitant--of--the--State,~~ between-the-ages-of-twenty-one-and-sixty-years~~]~~ shall be set apart annually for the benefit of the public free schools; and in addition thereto, [~~there--shall--be--levied--and~~".

(2) On page 4, line 19, strike "~~and-the]~~" and substitute "~~and]~~ the".

75R13334 KEL-F

Carter

COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

5/5/97  
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS

to whom was referred H.J.R. 104 have had the same under consideration and beg to report back with the recommendation that it

- ( ) do pass, without amendment.
- (X) do pass, with amendment(s).
- ( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes ( ) no A fiscal note was requested.
- ( ) yes (X) no A criminal justice policy impact statement was requested.
- ( ) yes (X) no An equalized educational funding impact statement was requested.
- ( ) yes (X) no An actuarial analysis was requested.
- ( ) yes (X) no A water development policy impact statement was requested.
- ( ) yes (X) no A tax equity note was requested.
- ( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

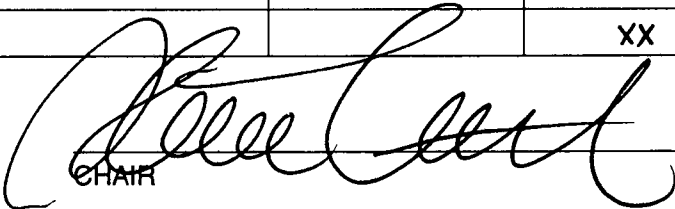
Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wolens, Chair	XX			
Turner, Vice-chair	XX			
Alvarado				XX
Brimer	XX			
Carter	XX			
Counts	XX			
Craddick	XX			
Danburg	XX			
Hilbert	XX			
Hunter	XX			
Jones	XX			
Longoria	XX			
M <sup>c</sup> Call	XX			
Ramsay	XX			
Stiles				XX

Total      13      aye  
                 0      nay  
                 0      present, not voting  
                 2      absent

  
CHAIR

## **BILL ANALYSIS**

STATE AFFAIRS

H.J.R. 104

By: Mowery

5-9-97

Committee Report (Amended)

### **BACKGROUND**

Currently the Texas Constitution has duplicate numbering in many of its provisions which have no relation to the other and many provisions have either been made unconstitutional by the federal government or have not been changed even though they are moot.

### **PURPOSE**

As proposed, H.J.R. 104 to make technical changes to the Texas Constitution to renumber duplicated provisions and remove obsolete or moot provisions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 48-e, Article III of the Texas Constitution to redesignate it as Section 48-f.

SECTION 2. Amends Section 52e, Article III of the Texas Constitution by redesignating it as Section 52g to allow all residents, not just resident property taxpayers, of Dallas County to vote on issuance of bonds.

SECTION 3. Amends Section 61, Article III, Texas Constitution to redesignate it as Section 61-a.

SECTION 4. Amends Section 1, Article VI, Texas Constitution, to reflect changes in election laws at the federal level, which have not been incorporated into the constitution.

SECTION 5. Amends Section 2, Article VI, Texas Constitution, by deleting language which is no longer in effect as it relates to voting qualifications, and by adding the appropriate voting requirements.

SECTION 6. Amends Section 3, Article VI, Texas Constitution, by deleting obsolete and/or unconstitutional language relating to qualified electors, poll taxes, and property ownership requirements.

SECTION 7. Amends Section 3, Article VII, Texas Constitution, by deleting provisions which relate to state property tax which does not exist.

SECTION 8. Redesignates Section 16, Article VII, Texas Constitution, as proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927 as Section 16-a to remove duplicate numbering.

SECTION 9. Repeals the following constitutional provisions:

(1) the constitutional amendment proposed by S.J.R. No. 5, 49th Legislature,

Regular Session, 1945 relating to an appropriation to John Tarelton Agricultural College, which no longer is needed.

(2) Section 49-g, Article III, Texas Constitution, as proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987 which relates to Super Collider funding which no longer is needed.

(3) Section 44-h, Article XVI, Texas Constitution, as proposed by H.J.R. No. 21, 73rd Legislature, Regular Session, 1993 which no longer is needed.

SECTION 10. Provides that this amendment shall be submitted to the voters on November 4, 1997 and provides the ballot language.

#### **EXPLANATION OF AMENDMENT**

Committee amendment no. 1 makes changes to SECTION 7 of the bill to replace necessary language deleted in the original that related to the collection of a poll tax and public school funding.



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE**

**75th Regular Session**

May 6, 1997

To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas

IN RE: House Joint Resolution  
No. 104, Committee  
Report 1st House, as amended  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HJR104-Committee Report 1st House,  
as amended**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

The resolution proposes a constitutional amendment which would eliminate duplicate numbering and repeal several obsolete constitutional provisions.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

April 28, 1997

To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas

IN RE: House Joint Resolution  
No. 104  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

---

**Biennial Net Impact to General Revenue Funds by HJR104-As Introduced**

---

Implementing the provisions of the proposed amendment would reduce the amount that the Legislature could appropriate under the Article VIII, Section 22, limit on appropriations by approximately \$500 million in the 1998-99 biennium. The proposed amendment would have no implication relative to the Article III, Section 49a "pay as you go" limit. The cost to the state for publication of the resolution is \$71,000.

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The resolution proposes a constitutional amendment which would repeal the dedication of occupation taxes to public education. The proposed amendment would also eliminate duplicate numbering and repeal several obsolete constitutional provisions.

The amendment would have a significant impact relative to the Article VIII, Section 22, limit on certain appropriations. Removal of the occupation tax dedication would reduce the amount that the Legislature could spend under the Article VIII, Section 22, limit in the 1998-99 biennium by approximately \$500 million.

The amendment would have no fiscal implication relative to Article III, Section 49a, "pay as you go" certification.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

6

WITNESS LIST

HJR 104  
HOUSE COMMITTEE REPORT  
State Affairs Committee

April 29, 1997 - 1:00P  
For: Rep. Mowery (Self)

May 5, 1997 - 1:00P  
For: Rep. Mowery (Self)

SUMMARY OF COMMITTEE ACTION

HJR 104

April 29, 1997 1:00PM  
Considered in public hearing  
Testimony taken in committee  
Left pending in committee

May 5, 1997 1:00PM  
Considered in public hearing  
Testimony taken in committee  
Amendment(s) considered in committee  
Reported favorably as amended



ADOPTED

MAY 14 1997

*Sharon Carter*  
Chief Clerk  
House of Representatives

AMENDMENT NO. ①

~~COMMITTEE AMENDMENT NO. 1~~ Carter

- 1 Amend H.J.R. 104 to read as follows:
- 2 (1) On page 4, strike lines 4-8 and substitute "Sec. 3.
- 3 One-fourth of the revenue derived from the State occupation taxes
- 4 [~~and poll tax of one dollar on every inhabitant of the State,~~
- 5 ~~between the ages of twenty-one and sixty years,~~] shall be set apart
- 6 annually for the benefit of the public free schools; and in
- 7 addition thereto, [~~there shall be levied and~~].
- 8 (2) On page 4, line 19, strike "and--the]" and substitute
- 9 "and] the".

ADOPTED

MAY 14 1997

*Sharon Carter*  
Chief Clerk  
House of Representatives

# HOUSE ENGROSSMENT

By Mowery

H.J.R. No. 104

## A JOINT RESOLUTION

1 proposing a constitutional amendment relating to eliminating  
2 duplicate numbering in and certain obsolete provisions of the Texas  
3 Constitution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 48-e, Article III, Texas Constitution, as  
6 proposed by H.J.R. No. 18, 70th Legislature, Regular Session, 1987,  
7 is redesignated as Section 48-f to read as follows:

8 Sec. 48-f [48-e]. The legislature, by law, may provide for  
9 the creation, operation, and financing of jail districts and may  
10 authorize each district to issue bonds and other obligations and to  
11 levy an ad valorem tax on property located in the district to pay  
12 principal of and interest on the bonds and to pay for operation of  
13 the district. An ad valorem tax may not be levied and bonds  
14 secured by a property tax may not be issued until approved by the  
15 qualified electors of the district voting at an election called and  
16 held for that purpose.

17 SECTION 2. Section 52e, Article III, Texas Constitution, as  
18 proposed by S.J.R. No. 37, 60th Legislature, Regular Session, 1967,  
19 is redesignated as Section 52g and amended to read as follows:

20 Sec. 52g [52e]. Bonds to be issued by Dallas County under  
21 Section 52 of Article III of this Constitution for the  
22 construction, maintenance and operation of macadamized, graveled or  
23 paved roads and turnpikes, or in aid thereof, may, without the  
24 necessity of further or amendatory legislation, be issued upon a

1 vote of a majority of the residents [~~resident--property--taxpayers~~]  
2 voting thereon who are qualified electors of said county, and bonds  
3 heretofore or hereafter issued under Subsections (a) and (b) of  
4 said Section 52 shall not be included in determining the debt limit  
5 prescribed in said Section.

6 SECTION 3. Section 61, Article III, Texas Constitution, as  
7 proposed by S.J.R. No. 5, 53rd Legislature, Regular Session, 1953,  
8 is redesignated as Section 61-a to read as follows:

9 Sec. 61-a [61]. The Legislature shall not fix the salary of  
10 the Governor, Attorney General, Comptroller of Public Accounts,  
11 Commissioner of the General Land Office or Secretary of State at a  
12 sum less than that fixed for such officials in the Constitution on  
13 January 1, 1953.

14 SECTION 4. Section 1, Article VI, Texas Constitution, is  
15 amended to read as follows:

16 Sec. 1. The following classes of persons shall not be  
17 allowed to vote in this State, to wit:

18 First: Persons under 18 [~~twenty-one-(21)~~] years of age.

19 Second: All persons who have been determined mentally  
20 incompetent by a court, subject to such exceptions as the  
21 Legislature may make. [~~Idiots-and-lunatics-~~]

22 Third: [~~All-paupers-supported-by-any-county-~~

23 [~~Fourth-~~] All persons convicted of any felony, subject to  
24 such exceptions as the Legislature may make.

25 SECTION 5. Section 2, Article VI, Texas Constitution, is  
26 amended to read as follows:

27 Sec. 2. Every person subject to none of the foregoing

1       disqualifications who shall have attained the age of 18 [~~twenty-one~~  
 2       ~~(21)~~] years and who shall be a citizen of the United States and who  
 3       is a resident of [~~shall have resided in~~] this State [~~one-(1)-year~~  
 4       ~~next-preceding-an-election-and-the-last-six-(6)-months--within--the~~  
 5       ~~district--or--county-in-which-such-person-offers-to-vote~~] shall be  
 6       deemed a qualified elector; provided, however, that before  
 7       offering to vote at an election a voter shall have registered  
 8       [~~annually~~], but such requirement for registration shall not be  
 9       considered a qualification of an elector within the meaning of the  
 10      term "qualified elector" as used in any other Article of this  
 11      Constitution in respect to any matter except qualification and  
 12      eligibility to vote at an election. [~~Any--legislation--enacted--in~~  
 13      ~~anticipation-of-the-adoption-of-this-Amendment-shall-not-be-invalid~~  
 14      ~~because-of-its-anticipatory-nature.~~] The Legislature may authorize  
 15      absentee voting. [~~And-this-provision-of-the-Constitution-shall-be~~  
 16      ~~self-enacting-without-the-necessity-of-further-legislation.~~]

17           SECTION 6. Section 3, Article VI, Texas Constitution, is  
 18      amended to read as follows:

19           Sec. 3. All qualified electors of the State, as herein  
 20      described, who reside [~~shall--have--resided---for---six---months~~  
 21      ~~immediately--preceding--an-election~~] within the limits of any city  
 22      or corporate town, shall have the right to vote for Mayor and all  
 23      other elective officers[~~---but--in--all--elections--to-determine~~  
 24      ~~expenditure-of-money-or-assumption-of-debt~~~~---only--those--shall--be~~  
 25      ~~qualified--to--vote--who--pay--taxes--on--property--in-said-city-or~~  
 26      ~~incorporated-town~~~~---provided~~~~---that-no-poll-tax-for-the--payment--of~~  
 27      ~~debts-thus-incurred~~~~---shall-be-levied-upon-the-persons-debarred-from~~



1     ~~voting-in-relation-thereto~~].

2             SECTION 7.     Section 3, Article VII, Texas Constitution, is  
3     amended to read as follows:

4             Sec. 3.     One-fourth of the revenue derived from the State  
5     occupation taxes [~~and-poll-tax-of-one-dollar-on-every-inhabitant-of~~  
6     ~~the--State,--between-the-ages-of-twenty-one-and-sixty-years,~~] shall  
7     be set apart annually for the benefit of the public free schools;  
8     and in addition thereto, [~~there-shall-be-levied-and-collected-an~~  
9     ~~annual-ad-valorem-State--tax--of--such--an--amount--not--to--exceed~~  
10    ~~thirty-five--cents--on-the-one-hundred-(\$100.00)-dollars-valuation,~~  
11    ~~as-with-the-available-school-fund-arising-from-all--other--sources,~~  
12    ~~will--be--sufficient--to-maintain-and-support-the-public-schools-of~~  
13    ~~this-State-for-a-period-of-not-less-than-six-months-in--each--year,~~  
14    ~~and--it--shall--be--the-duty-of-the-State-Board-of-Education-to-set~~  
15    ~~aside-a-sufficient-amount-out-of-the-said-tax-to-provide-free--text~~  
16    ~~books--for-the-use-of-children-attending-the-public-free-schools-of~~  
17    ~~this-State,--provided,--however,--that-should-the-limit--of--taxation~~  
18    ~~herein---named---be---insufficient---the--deficit--may--be--met--by~~  
19    ~~appropriation--from--the--general--funds--of--the--State--and]~~ the  
20    Legislature may [also] provide for the formation of school district  
21    by general laws; and all such school districts may embrace parts of  
22    two or more counties, and the Legislature shall be authorized to  
23    pass laws for the assessment and collection of taxes in all said  
24    districts and for the management and control of the public school  
25    or schools of such districts, whether such districts are composed  
26    of territory wholly within a county or in parts of two or more  
27    counties, and the Legislature may authorize an [additional] ad

1       valorem tax to be levied and collected within all school districts  
2       heretofore formed or hereafter formed, for the [further]  
3       maintenance of public free schools, and for the erection and  
4       equipment of school buildings therein; provided that a majority of  
5       the qualified [property-taxpaying] voters of the district voting at  
6       an election to be held for that purpose approve the [~~7-shall-vote~~  
7       such] tax [~~not-to-exceed-in-any-one-year-one-(\$1.00)-dollar-on--the~~  
8       one--hundred--dollars-valuation-of-the-property-subject-to-taxation  
9       in-such-district,7-but-the-limitation--upon--the--amount--of--school  
10      ~~district--tax--herein--authorized--shall--not-apply-to-incorporated~~  
11      ~~cities--or--towns--constituting--separate--and--independent--school~~  
12      ~~districts,7-nor-to-independent-or-common-school-districts-created-by~~  
13      ~~general-or-special-law~~].

14       SECTION 8. Section 16, Article VII, Texas Constitution, as  
15       proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927,  
16       is redesignated as Section 16-a to read as follows:

17       Sec. 16-a [~~16~~].       The Legislature shall fix by law the terms  
18       of all offices of the public school system and of the State  
19       institutions of higher education, inclusive, and the terms of  
20       members of the respective boards, not to exceed six years.

21       SECTION 9. The following constitutional provisions are  
22       repealed:

23               (1) the constitutional amendment proposed by S.J.R.  
24       No. 5, 49th Legislature, Regular Session, 1945, relating to an  
25       appropriation to John Tarleton Agricultural College;

26               (2) Section 49-g, Article III, Texas Constitution, as  
27       proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987;

1 and

2 (3) Section 44(h), Article XVI, Texas Constitution, as  
3 proposed by H.J.R. No. 21, 73rd Legislature, Regular Session,  
4 1993.

5 SECTION 10. This proposed constitutional amendment shall be  
6 submitted to the voters at an election to be held November 4, 1997.  
7 The ballot shall be printed to permit voting for or against the  
8 proposition: "The constitutional amendment eliminating duplicate  
9 numbering in and certain obsolete provisions of the Texas  
10 Constitution."

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE**

**75th Regular Session**

**May 6, 1997**

To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas

IN RE: House Joint Resolution  
No. 104, Committee  
Report 1st House, as amended  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

<b>Biennial Net Impact to General Revenue Funds by HJR104-Committee Report 1st House, as amended</b>
--

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

---

The resolution proposes a constitutional amendment which would eliminate duplicate numbering and repeal several obsolete constitutional provisions.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE  
75th Regular Session**

**April 28, 1997**

**To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas**

**IN RE: House Joint Resolution  
No. 104  
By: Mowery**

**From: John Keel, Director**

**In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:**

<b>Biennial Net Impact to General Revenue Funds by HJR104-As Introduced</b>
---

Implementing the provisions of the proposed amendment would reduce the amount that the Legislature could appropriate under the Article VIII, Section 22, limit on appropriations by approximately \$500 million in the 1998-99 biennium. The proposed amendment would have no implication relative to the Article III, Section 49a "pay as you go" limit. The cost to the state for publication of the resolution is \$71,000.

The resolution proposes a constitutional amendment which would repeal the dedication of occupation taxes to public education. The proposed amendment would also eliminate duplicate numbering and repeal several obsolete constitutional provisions.

The amendment would have a significant impact relative to the Article VIII, Section 22, limit on certain appropriations. Removal of the occupation tax dedication would reduce the amount that the Legislature could spend under the Article VIII, Section 22, limit in the 1998-99 biennium by approximately \$500 million.

The amendment would have no fiscal implication relative to Article III, Section 49a, "pay as you go" certification.

No fiscal implication to units of local government is anticipated.

**Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts**

**LBB Staff: JK, JD, RS**

1-1 By: Mowery (Senate Sponsor - Ogden) H.J.R. No. 104  
1-2 (In the Senate - Received from the House May 15, 1997;  
1-3 May 16, 1997, read first time and referred to Committee on State  
1-4 Affairs; May 18, 1997, reported favorably by the following vote:  
1-5 Yeas 12, Nays 0; May 18, 1997, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment relating to eliminating  
1-8 duplicate numbering in and certain obsolete provisions of the Texas  
1-9 Constitution.

1-10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 48-e, Article III, Texas Constitution, as  
1-12 proposed by H.J.R. No. 18, 70th Legislature, Regular Session, 1987,  
1-13 is redesignated as Section 48-f to read as follows:

1-14 Sec. 48-f [48-e]. The legislature, by law, may provide for  
1-15 the creation, operation, and financing of jail districts and may  
1-16 authorize each district to issue bonds and other obligations and to  
1-17 levy an ad valorem tax on property located in the district to pay  
1-18 principal of and interest on the bonds and to pay for operation of  
1-19 the district. An ad valorem tax may not be levied and bonds  
1-20 secured by a property tax may not be issued until approved by the  
1-21 qualified electors of the district voting at an election called and  
1-22 held for that purpose.

1-23 SECTION 2. Section 52e, Article III, Texas Constitution, as  
1-24 proposed by S.J.R. No. 37, 60th Legislature, Regular Session, 1967,  
1-25 is redesignated as Section 52g and amended to read as follows:

1-26 Sec. 52g [52e]. Bonds to be issued by Dallas County under  
1-27 Section 52 of Article III of this Constitution for the  
1-28 construction, maintenance and operation of macadamized, graveled or  
1-29 paved roads and turnpikes, or in aid thereof, may, without the  
1-30 necessity of further or amendatory legislation, be issued upon a  
1-31 vote of a majority of the residents [~~resident-property-taxpayers~~]  
1-32 voting thereon who are qualified electors of said county, and bonds  
1-33 heretofore or hereafter issued under Subsections (a) and (b) of  
1-34 said Section 52 shall not be included in determining the debt limit  
1-35 prescribed in said Section.

1-36 SECTION 3. Section 61, Article III, Texas Constitution, as  
1-37 proposed by S.J.R. No. 5, 53rd Legislature, Regular Session, 1953,  
1-38 is redesignated as Section 61-a to read as follows:

1-39 Sec. 61-a [61]. The Legislature shall not fix the salary of  
1-40 the Governor, Attorney General, Comptroller of Public Accounts,  
1-41 Commissioner of the General Land Office or Secretary of State at a  
1-42 sum less than that fixed for such officials in the Constitution on  
1-43 January 1, 1953.

1-44 SECTION 4. Section 1, Article VI, Texas Constitution, is  
1-45 amended to read as follows:

1-46 Sec. 1. The following classes of persons shall not be  
1-47 allowed to vote in this State, to wit:

1-48 First: Persons under 18 [~~twenty-one-(21)~~] years of age.

1-49 Second: All persons who have been determined mentally  
1-50 incompetent by a court, subject to such exceptions as the  
1-51 Legislature may make. [~~Idiots-and-lunatics-~~]

1-52 Third: [~~All-paupers-supported-by-any-county-~~

1-53 [~~Fourth-~~] All persons convicted of any felony, subject to  
1-54 such exceptions as the Legislature may make.

1-55 SECTION 5. Section 2, Article VI, Texas Constitution, is  
1-56 amended to read as follows:

1-57 Sec. 2. Every person subject to none of the foregoing  
1-58 disqualifications who shall have attained the age of 18 [~~twenty-one~~  
1-59 ~~(21)~~] years and who shall be a citizen of the United States and who  
1-60 is a resident of [~~shall-have-resided-in~~] this State [~~one--(1)--year~~  
1-61 ~~next--preceding--an-election-and-the-last-six-(6)-months-within-the~~  
1-62 ~~district-or-county-in-which-such-person-offers-to-vote,~~] shall be  
1-63 deemed a qualified elector; provided, however, that before  
1-64 offering to vote at an election a voter shall have registered

[annually], but such requirement for registration shall not be considered a qualification of an elector within the meaning of the term "qualified elector" as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election. ~~[Any legislation enacted in anticipation of the adoption of this Amendment shall not be invalid because of its anticipatory nature.]~~ The Legislature may authorize absentee voting. ~~[And this provision of the Constitution shall be self-enacting without the necessity of further legislation.]~~

SECTION 6. Section 3, Article VI, Texas Constitution, is amended to read as follows:

Sec. 3. All qualified electors of the State, as herein described, who reside ~~[shall have resided for six months immediately preceding an election]~~ within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers ~~[but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; provided, that no poll tax for the payment of debts thus incurred, shall be levied upon the persons debarred from voting in relation thereto].~~

SECTION 7. Section 3, Article VII, Texas Constitution, is amended to read as follows:

Sec. 3. One-fourth of the revenue derived from the State occupation taxes ~~[and poll tax of one dollar on every inhabitant of the State, between the ages of twenty-one and sixty years]~~ shall be set apart annually for the benefit of the public free schools; and in addition thereto, ~~[there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred (\$100.00) dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free text books for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State and]~~ the Legislature may ~~[also]~~ provide for the formation of school district by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties, and the Legislature may authorize an ~~[additional]~~ ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the ~~[further]~~ maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified ~~[property-taxpaying]~~ voters of the district voting at an election to be held for that purpose approve the ~~[shall vote such]~~ tax ~~[not to exceed in any one year one (\$1.00) dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law].~~

SECTION 8. Section 16, Article VII, Texas Constitution, as proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927, is redesignated as Section 16-a to read as follows:

Sec. 16-a [16]. The Legislature shall fix by law the terms of all offices of the public school system and of the State institutions of higher education, inclusive, and the terms of members of the respective boards, not to exceed six years.

SECTION 9. The following constitutional provisions are repealed:

3-1 (1) the constitutional amendment proposed by S.J.R.  
3-2 No. 5, 49th Legislature, Regular Session, 1945, relating to an  
3-3 appropriation to John Tarleton Agricultural College;

3-4 (2) Section 49-g, Article III, Texas Constitution, as  
3-5 proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987;  
3-6 and

3-7 (3) Section 44(h), Article XVI, Texas Constitution, as  
3-8 proposed by H.J.R. No. 21, 73rd Legislature, Regular Session,  
3-9 1993.

3-10 SECTION 10. This proposed constitutional amendment shall be  
3-11 submitted to the voters at an election to be held November 4, 1997.  
3-12 The ballot shall be printed to permit voting for or against the  
3-13 proposition: "The constitutional amendment eliminating duplicate  
3-14 numbering in and certain obsolete provisions of the Texas  
3-15 Constitution."

3-16 \* \* \* \* \*



**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 104  
By Open  
(Author/Senate Sponsor)  
5-18-97  
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,  
have on 5/17/97, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass and be printed  
☐ do pass and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Nixon, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Cain	<input checked="" type="checkbox"/>			
Senator Carona	<input checked="" type="checkbox"/>			
Senator Ellis	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Gallegos	<input checked="" type="checkbox"/>			
Senator Galloway	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Luna	<input checked="" type="checkbox"/>			
Senator Nelson	<input checked="" type="checkbox"/>			
Senator Shapiro			<input checked="" type="checkbox"/>	
Senator Whitmire	<input checked="" type="checkbox"/>			
TOTAL VOTES	12	0	1	0

**COMMITTEE ACTION**

8260 Considered in public hearing

8270 Testimony taken

Billy C. Gullett  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

## **BILL ANALYSIS**

Senate Research Center

H.J.R. 104  
By: Mowery (Ogden)  
State Affairs  
5-17-97  
Engrossed

### **DIGEST**

Currently, the Texas Constitution has duplicate numbering in many of its provisions which have no relation to the other, and many provisions have either been made unconstitutional by the federal government or have not been changed even though they are moot. H.J.R. 104 makes technical changes to the Texas Constitution to renumber duplicated provisions and remove obsolete or moot provisions.

### **PURPOSE**

As proposed, H.J.R. 104 proposes a constitutional amendment which eliminates duplicate numbering in and certain obsolete provisions of the Texas Constitution.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 48-e, Article III, Texas Constitution, as proposed by H.J.R. No. 18, 70th Legislature, Regular Session, 1987, by redesignating as Section 48-f.

SECTION 2. Amends Section 52e, Article III, Texas Constitution, as proposed by S.J.R. No. 37, 60th Legislature, Regular Session, 1967, by redesignating as Section 52g, to authorize bonds to be issued by Dallas County under Section 52 of Article III of this Constitution, without the necessity of further or amendatory legislation, to be issued upon a vote of the majority of the residents, rather than the resident property taxpayers, voting thereon.

SECTION 3. Amends Section 61, Article III, Texas Constitution, as proposed by S.J.R. No. 5, 53rd Legislature, Regular Session, 1953, by redesignating as Section 61-a.

SECTION 4. Amends Section 1, Article VI, Texas Constitution, to prohibit certain classes of persons from being allowed to vote in this State, including persons under 18, rather than 21 years of age; and all persons who have been determined mentally incompetent by a court, subject to such exceptions as the Legislature may make. Deletes the inclusion of idiots, lunatics, and all paupers supported by any county among the classes of prohibited persons.

SECTION 5. Amends Section 2, Article VI, Texas Constitution, to delete the provision making every person who meets certain qualifications, including having resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, a qualified elector. Deletes the requirement that a voter have registered annually before offering to vote at an election. Deletes the provision prohibiting any legislation enacted in anticipation of the adoption of this Amendment from being invalid because of its anticipatory nature; and the provision requiring this provision of the Constitution to be self-enacting without the necessity of further legislation.

SECTION 6. Amends Section 3, Article VI, Texas Constitution, to require all qualified electors of the State, as herein described, who reside within the limits of any city or corporate town, to have the right to vote for Mayor and all other elective officers. Deletes existing text regarding the right to vote

for Mayor, all elected officers, and all elections to determine expenditure of money or assumption of debt.

SECTION 7. Amends Section 3, Article VII, Texas Constitution, to require one-fourth of the revenue derived from the State occupation taxes to be set apart annually for the benefit of the public free schools. Deletes existing text regarding a poll tax and an annual ad valorem State tax. Authorizes the Legislature to authorize an ad valorem tax to be levied and collected within all school districts for the maintenance of public free schools, provided that a majority of the qualified voters of the district voting at an election to be held for that purpose approve the tax. Deletes existing text regarding a school district tax.

SECTION 8. Amends Section 16, Article VII, Texas Constitution, as proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927, by redesignating as Section 16-a.

SECTION 9. Repealer: S.J.R. No. 5, 49th Legislature, Regular Session, 1945, relating to an appropriation to John Tarleton Agricultural College; Section 49-g, Article III, Texas Constitution, as proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987; and Section 44(h), Article XVI, Texas Constitution, as proposed by H.J.R. No. 21, 73rd Legislature, Regular Session, 1993.

SECTION 10. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language of the ballot.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE  
75th Regular Session**

May 16, 1997

To: Honorable Kenneth Armbrister, Chair  
Committee on State Affairs  
Senate  
Austin, Texas

IN RE: House Joint Resolution  
No. 104, As Engrossed  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HJR104-As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

The resolution proposes a constitutional amendment which would eliminate duplicate numbering and repeal several obsolete constitutional provisions.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

May 6, 1997

To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas

IN RE: House Joint Resolution  
No. 104, Committee  
Report 1st House, as amended  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HJR104-Committee Report 1st House,  
as amended**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

The resolution proposes a constitutional amendment which would eliminate duplicate numbering and repeal several obsolete constitutional provisions.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

April 28, 1997

To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas

IN RE: House Joint Resolution  
No. 104  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

---

**Biennial Net Impact to General Revenue Funds by HJR104-As Introduced**

---

Implementing the provisions of the proposed amendment would reduce the amount that the Legislature could appropriate under the Article VIII, Section 22, limit on appropriations by approximately \$500 million in the 1998-99 biennium. The proposed amendment would have no implication relative to the Article III, Section 49a "pay as you go" limit. The cost to the state for publication of the resolution is \$71,000.

---

The resolution proposes a constitutional amendment which would repeal the dedication of occupation taxes to public education. The proposed amendment would also eliminate duplicate numbering and repeal several obsolete constitutional provisions.

The amendment would have a significant impact relative to the Article VIII, Section 22, limit on certain appropriations. Removal of the occupation tax dedication would reduce the amount that the Legislature could spend under the Article VIII, Section 22, limit in the 1998-99 biennium by approximately \$500 million.

The amendment would have no fiscal implication relative to Article III, Section 49a, "pay as you go" certification.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

on 3rd Reading  
**ADOPTED**  
by unanimous consent  
MAY 28 1997

*Letty Ling*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY *Ogden*

1 Amend H.J.R. No. 104 on third reading by striking SECTION 7  
2 of the resolution, which amends Section 3, Article VII, Texas  
3 Constitution, and renumbering the subsequent sections  
4 appropriately.

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By Mowery

H.J.R. No. 104

## A JOINT RESOLUTION

1 proposing a constitutional amendment relating to eliminating  
2 duplicate numbering in and certain obsolete provisions of the Texas  
3 Constitution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 48-e, Article III, Texas Constitution, as  
6 proposed by H.J.R. No. 18, 70th Legislature, Regular Session, 1987,  
7 is redesignated as Section 48-f to read as follows:

8 Sec. 48-f [~~48-e~~]. The legislature, by law, may provide for  
9 the creation, operation, and financing of jail districts and may  
10 authorize each district to issue bonds and other obligations and to  
11 levy an ad valorem tax on property located in the district to pay  
12 principal of and interest on the bonds and to pay for operation of  
13 the district. An ad valorem tax may not be levied and bonds  
14 secured by a property tax may not be issued until approved by the  
15 qualified electors of the district voting at an election called and  
16 held for that purpose.

17 SECTION 2. Section 52e, Article III, Texas Constitution, as  
18 proposed by S.J.R. No. 37, 60th Legislature, Regular Session, 1967,  
19 is redesignated as Section 52g and amended to read as follows:

20 Sec. 52g [~~52e~~]. Bonds to be issued by Dallas County under  
21 Section 52 of Article III of this Constitution for the  
22 construction, maintenance and operation of macadamized, graveled or  
23 paved roads and turnpikes, or in aid thereof, may, without the  
24 necessity of further or amendatory legislation, be issued upon a



1 vote of a majority of the residents [~~resident--property--taxpayers~~]  
2 voting thereon who are qualified electors of said county, and bonds  
3 heretofore or hereafter issued under Subsections (a) and (b) of  
4 said Section 52 shall not be included in determining the debt limit  
5 prescribed in said Section.

6 SECTION 3. Section 61, Article III, Texas Constitution, as  
7 proposed by S.J.R. No. 5, 53rd Legislature, Regular Session, 1953,  
8 is redesignated as Section 61-a to read as follows:

9 Sec. 61-a [61]. The Legislature shall not fix the salary of  
10 the Governor, Attorney General, Comptroller of Public Accounts,  
11 Commissioner of the General Land Office or Secretary of State at a  
12 sum less than that fixed for such officials in the Constitution on  
13 January 1, 1953.

14 SECTION 4. Section 1, Article VI, Texas Constitution, is  
15 amended to read as follows:

16 Sec. 1. The following classes of persons shall not be  
17 allowed to vote in this State, to wit:

18 First: Persons under 18 [~~twenty-one-(21)~~] years of age.

19 Second: All persons who have been determined mentally  
20 incompetent by a court, subject to such exceptions as the  
21 Legislature may make. [~~Idiots-and-lunatics.~~]

22 Third: [~~All-paupers-supported-by-any-county.~~]

23 [~~Fourth.~~] All persons convicted of any felony, subject to  
24 such exceptions as the Legislature may make.

25 SECTION 5. Section 2, Article VI, Texas Constitution, is  
26 amended to read as follows:

27 Sec. 2. Every person subject to none of the foregoing

disqualifications who shall have attained the age of 18 [~~twenty-one~~  
~~(21)~~] years and who shall be a citizen of the United States and who  
is a resident of [~~shall have resided in~~] this State [~~one-(1)-year~~  
~~next-preceding-an-election-and-the-last-six-(6)-months--within--the~~  
~~district--or--county-in-which-such-person-offers-to-vote,~~] shall be  
deemed a qualified elector; provided, however, that before  
offering to vote at an election a voter shall have registered  
[~~annually~~], but such requirement for registration shall not be  
considered a qualification of an elector within the meaning of the  
term "qualified elector" as used in any other Article of this  
Constitution in respect to any matter except qualification and  
eligibility to vote at an election. [~~Any--legislation--enacted--in~~  
~~anticipation-of-the-adoption-of-this-Amendment-shall-not-be-invalid~~  
~~because-of-its-anticipatory-nature.~~] The Legislature may authorize  
absentee voting. [~~And-this-provision-of-the-Constitution-shall-be~~  
~~self-enacting-without-the-necessity-of-further-legislation.~~]

SECTION 6. Section 3, Article VI, Texas Constitution, is  
amended to read as follows:

Sec. 3. All qualified electors of the State, as herein  
described, who reside [~~shall--have--resided---for---six---months~~  
~~immediately--preceding--an-election,~~] within the limits of any city  
or corporate town, shall have the right to vote for Mayor and all  
other elective officers[~~;---but--in--all--elections--to-determine~~  
~~expenditure-of-money-or-assumption-of-debt,~~ only those shall be  
qualified to vote who pay taxes on property in said city or  
incorporated town; provided, that no poll tax for the payment of  
debts thus incurred, shall be levied upon the persons debarred from

1     ~~voting-in-relation-thereto~~].

2             SECTION 7.     Section 3, Article VII, Texas Constitution, is  
3     amended to read as follows:

4             Sec. 3.     One-fourth of the revenue derived from the State  
5     occupation taxes [~~and-poll-tax-of-one-dollar-on-every-inhabitant-of~~  
6     ~~the--State,--between-the-ages-of-twenty-one-and-sixty-years,~~] shall  
7     be set apart annually for the benefit of the public free schools;  
8     and in addition thereto, [~~there-shall-be-levied-and-collected-an~~  
9     ~~annual-ad-valorem-State--tax--of--such--an--amount--not--to--exceed~~  
10    ~~thirty-five--cents--on-the-one-hundred-(\$100.00)-dollars-valuation,~~  
11    ~~as-with-the-available-school-fund-arising-from-all--other--sources,~~  
12    ~~will--be--sufficient--to-maintain-and-support-the-public-schools-of~~  
13    ~~this-State-for-a-period-of-not-less-than-six-months-in--each--year,~~  
14    ~~and--it--shall--be--the-duty-of-the-State-Board-of-Education-to-set~~  
15    ~~aside-a-sufficient-amount-out-of-the-said-tax-to-provide-free--text~~  
16    ~~books--for-the-use-of-children-attending-the-public-free-schools-of~~  
17    ~~this-State,--provided,--however,--that-should-the-limit--of--taxation~~  
18    ~~herein---named---be---insufficient---the--deficit--may--be--met--by~~  
19    ~~appropriation--from--the--general--funds--of--the--State--and]~~ the  
20    Legislature may [also] provide for the formation of school district  
21    by general laws; and all such school districts may embrace parts of  
22    two or more counties, and the Legislature shall be authorized to  
23    pass laws for the assessment and collection of taxes in all said  
24    districts and for the management and control of the public school  
25    or schools of such districts, whether such districts are composed  
26    of territory wholly within a county or in parts of two or more  
27    counties, and the Legislature may authorize an [additional] ad

1       valorem tax to be levied and collected within all school districts  
2       heretofore formed or hereafter formed, for the [further]  
3       maintenance of public free schools, and for the erection and  
4       equipment of school buildings therein; provided that a majority of  
5       the qualified [property-taxpaying] voters of the district voting at  
6       an election to be held for that purpose approve the [~~7-shall-vote~~  
7       such] tax [~~not-to-exceed-in-any-one-year-one-(\$1.00)-dollar-on--the~~  
8       one--hundred--dollars-valuation-of-the-property-subject-to-taxation  
9       in-such-district, but-the-limitation--upon--the--amount--of--school  
10       district--tax--herein--authorized--shall--not-apply-to-incorporated  
11       cities--or--towns--constituting--separate--and--independent--school  
12       districts, nor-to-independent-or-common-school-districts-created-by  
13       general-or-special-law].

14       SECTION 8. Section 16, Article VII, Texas Constitution, as  
15       proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927,  
16       is redesignated as Section 16-a to read as follows:

17       Sec. 16-a [~~16~~]. The Legislature shall fix by law the terms  
18       of all offices of the public school system and of the State  
19       institutions of higher education, inclusive, and the terms of  
20       members of the respective boards, not to exceed six years.

21       SECTION 9. The following constitutional provisions are  
22       repealed:

23               (1) the constitutional amendment proposed by S.J.R.  
24       No. 5, 49th Legislature, Regular Session, 1945, relating to an  
25       appropriation to John Tarleton Agricultural College;

26               (2) Section 49-g, Article III, Texas Constitution, as  
27       proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987;

1       and

2                   (3) Section 44(h), Article XVI, Texas Constitution, as  
3       proposed by H.J.R. No. 21, 73rd Legislature, Regular Session,  
4       1993.

5           SECTION 10. This proposed constitutional amendment shall be  
6       submitted to the voters at an election to be held November 4, 1997.  
7       The ballot shall be printed to permit voting for or against the  
8       proposition: "The constitutional amendment eliminating duplicate  
9       numbering in and certain obsolete provisions of the Texas  
10      Constitution."

on 3rd Reading  
**ADOPTED**  
by unanimous consent  
MAY 28 1997

*Letty Ling*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY *Ogden*

1 Amend H.J.R. No. 104 on third reading by striking SECTION 7  
2 of the resolution, which amends Section 3, Article VII, Texas  
3 Constitution, and renumbering the subsequent sections  
4 appropriately.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

May 16, 1997

To: Honorable Kenneth Armbrister, Chair  
Committee on State Affairs  
Senate  
Austin, Texas

IN RE: House Joint Resolution  
No. 104, As Engrossed  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HJR104-As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

The resolution proposes a constitutional amendment which would eliminate duplicate numbering and repeal several obsolete constitutional provisions.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

May 6, 1997

To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas

IN RE: House Joint Resolution  
No. 104, Committee  
Report 1st House, as amended  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HJR104-Committee Report 1st House,  
as amended**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

The resolution proposes a constitutional amendment which would eliminate duplicate numbering and repeal several obsolete constitutional provisions.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

April 28, 1997

To: Honorable Steven Wolens, Chair  
Committee on State Affairs  
House  
Austin, Texas

IN RE: House Joint Resolution  
No. 104  
By: Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

<b>Biennial Net Impact to General Revenue Funds by HJR104-As Introduced</b>
---

Implementing the provisions of the proposed amendment would reduce the amount that the Legislature could appropriate under the Article VIII, Section 22, limit on appropriations by approximately \$500 million in the 1998-99 biennium. The proposed amendment would have no implication relative to the Article III, Section 49a "pay as you go" limit. The cost to the state for publication of the resolution is \$71,000.

The resolution proposes a constitutional amendment which would repeal the dedication of occupation taxes to public education. The proposed amendment would also eliminate duplicate numbering and repeal several obsolete constitutional provisions.

The amendment would have a significant impact relative to the Article VIII, Section 22, limit on certain appropriations. Removal of the occupation tax dedication would reduce the amount that the Legislature could spend under the Article VIII, Section 22, limit in the 1998-99 biennium by approximately \$500 million.

The amendment would have no fiscal implication relative to Article III, Section 49a, "pay as you go" certification.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

3

FISCAL NOTE  
SENATE AMENDMENTS  
HJR 104

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**75th Regular Session**

May 28, 1997

To: Honorable James E. "Pete" Laney  
Speaker of the House  
House of Representatives  
Austin, Texas

IN RE: House Joint Resolution  
No. 104, As Passed 2nd  
House  
Mowery

From: John Keel, Director

In response to your request for a Fiscal Note on HJR104 (Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.) this office has determined the following:

---

**Biennial Net Impact to General Revenue Funds by HJR104-As Passed 2nd House**

---

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$71,000.

---

The resolution proposes a constitutional amendment which would eliminate duplicate numbering and repeal several obsolete constitutional provisions.

No fiscal implication to units of local government is anticipated.

Source: Agencies: 701 Texas Education Agency - Administration  
307 Secretary of State  
304 Comptroller of Public Accounts

LBB Staff: JK, JD, RS

ENROLLED

H.J.R. No. 104

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to eliminating  
2 duplicate numbering in and certain obsolete provisions of the Texas  
3 Constitution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 48-e, Article III, Texas Constitution, as  
6 proposed by H.J.R. No. 18, 70th Legislature, Regular Session, 1987,  
7 is redesignated as Section 48-f to read as follows:

8 Sec. 48-f [48-e]. The legislature, by law, may provide for  
9 the creation, operation, and financing of jail districts and may  
10 authorize each district to issue bonds and other obligations and to  
11 levy an ad valorem tax on property located in the district to pay  
12 principal of and interest on the bonds and to pay for operation of  
13 the district. An ad valorem tax may not be levied and bonds  
14 secured by a property tax may not be issued until approved by the  
15 qualified electors of the district voting at an election called and  
16 held for that purpose.

17 SECTION 2. Section 52e, Article III, Texas Constitution, as  
18 proposed by S.J.R. No. 37, 60th Legislature, Regular Session, 1967,  
19 is redesignated as Section 52g and amended to read as follows:

20 Sec. 52g [52e]. Bonds to be issued by Dallas County under  
21 Section 52 of Article III of this Constitution for the  
22 construction, maintenance and operation of macadamized, graveled or  
23 paved roads and turnpikes, or in aid thereof, may, without the  
24 necessity of further or amendatory legislation, be issued upon a

1 vote of a majority of the residents [~~resident--property--taxpayers~~]  
2 voting thereon who are qualified electors of said county, and bonds  
3 heretofore or hereafter issued under Subsections (a) and (b) of  
4 said Section 52 shall not be included in determining the debt limit  
5 prescribed in said Section.

6 SECTION 3. Section 61, Article III, Texas Constitution, as  
7 proposed by S.J.R. No. 5, 53rd Legislature, Regular Session, 1953,  
8 is redesignated as Section 61-a to read as follows:

9 Sec. 61-a [61]. The Legislature shall not fix the salary of  
10 the Governor, Attorney General, Comptroller of Public Accounts,  
11 Commissioner of the General Land Office or Secretary of State at a  
12 sum less than that fixed for such officials in the Constitution on  
13 January 1, 1953.

14 SECTION 4. Section 1, Article VI, Texas Constitution, is  
15 amended to read as follows:

16 Sec. 1. The following classes of persons shall not be  
17 allowed to vote in this State, to wit:

18 First: Persons under 18 [~~twenty-one-(21)~~] years of age.

19 Second: All persons who have been determined mentally  
20 incompetent by a court, subject to such exceptions as the  
21 Legislature may make. [~~Idiots-and-lunatics.~~]

22 Third: [~~All-paupers-supported-by-any-county.~~

23 [~~Fourth.~~] All persons convicted of any felony, subject to  
24 such exceptions as the Legislature may make.

25 SECTION 5. Section 2, Article VI, Texas Constitution, is  
26 amended to read as follows:

27 Sec. 2. Every person subject to none of the foregoing

1       disqualifications who shall have attained the age of 18 [~~twenty-one~~  
 2       ~~{21}~~] years and who shall be a citizen of the United States and who  
 3       is a resident of [~~shall have resided in~~] this State [~~one-{1}-year~~  
 4       ~~next-preceding-an-election-and-the-last-six-{6}-months--within--the~~  
 5       ~~district--or--county-in-which-such-person-offers-to-vote,~~] shall be  
 6       deemed a qualified elector; provided, however, that before  
 7       offering to vote at an election a voter shall have registered  
 8       [~~annually~~], but such requirement for registration shall not be  
 9       considered a qualification of an elector within the meaning of the  
 10      term "qualified elector" as used in any other Article of this  
 11      Constitution in respect to any matter except qualification and  
 12      eligibility to vote at an election. [~~Any--legislation--enacted--in~~  
 13      ~~anticipation-of-the-adoption-of-this-Amendment-shall-not-be-invalid~~  
 14      ~~because-of-its-anticipatory-nature-]~~ The Legislature may authorize  
 15      absentee voting. [~~And-this-provision-of-the-Constitution-shall-be~~  
 16      ~~self-enacting-without-the-necessity-of-further-legislation-]~~

17           SECTION 6. Section 3, Article VI, Texas Constitution, is  
 18      amended to read as follows:

19           Sec. 3. All qualified electors of the State, as herein  
 20      described, who reside [~~shall--have--resided---for---six---months~~  
 21      ~~immediately--preceding--an-election,~~] within the limits of any city  
 22      or corporate town, shall have the right to vote for Mayor and all  
 23      other elective officers[~~;---but--in--all--elections--to-determine~~  
 24      ~~expenditure-of-money-or-assumption-of-debt;--only--those--shall--be~~  
 25      ~~qualified--to--vote--who--pay--taxes--on--property--in-said-city-or~~  
 26      ~~incorporated-town;--provided,--that--no--poll-tax-for-the--payment--of~~  
 27      ~~debts-thus-incurred,--shall-be-levied-upon-the-persons-debarred-from~~

1     ~~voting-in-relation-thereto~~].

2             SECTION 7.     Section 16, Article VII, Texas Constitution, as  
3     proposed by H.J.R. No. 14, 40th Legislature, Regular Session, 1927,  
4     is redesignated as Section 16-a to read as follows:

5             Sec. 16-a [16].     The Legislature shall fix by law the terms  
6     of all offices of the public school system and of the State  
7     institutions of higher education, inclusive, and the terms of  
8     members of the respective boards, not to exceed six years.

9             SECTION 8.     The following constitutional provisions are  
10    repealed:

11            (1) the constitutional amendment proposed by S.J.R.  
12    No. 5, 49th Legislature, Regular Session, 1945, relating to an  
13    appropriation to John Tarleton Agricultural College;

14            (2) Section 49-g, Article III, Texas Constitution, as  
15    proposed by H.J.R. No. 88, 70th Legislature, Regular Session, 1987;  
16    and

17            (3) Section 44(h), Article XVI, Texas Constitution, as  
18    proposed by H.J.R. No. 21, 73rd Legislature, Regular Session,  
19    1993.

20            SECTION 9. This proposed constitutional amendment shall be  
21    submitted to the voters at an election to be held November 4, 1997.  
22    The ballot shall be printed to permit voting for or against the  
23    proposition: "The constitutional amendment eliminating duplicate  
24    numbering in and certain obsolete provisions of the Texas  
25    Constitution."

H.J.R. No. 104

---

President of the Senate

---

Speaker of the House

I certify that H.J.R. No. 104 was passed by the House on May 14, 1997, by the following vote: Yeas 126, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 104 on May 30, 1997, by the following vote: Yeas 137, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.J.R. No. 104 was passed by the Senate, with amendments, on May 28, 1997, by the following vote: Yeas 26, Nays 0.

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Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

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Secretary of State



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 104  
(1) was passed by the House  
on May 14  
(2), 1997, by the following vote:  
Yeas 126, Nays 0, 1 present, not voting  
(3) (4)  
and that the House concurred in Senate amendments to H.J.R. No. 104  
on May 30  
(5), 1997, by the following  
vote: Yeas 137, Nays 0, 1 present, not voting  
(6) (7)

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: CT19;

I certify that H.J.R. No. 104  
(1) was passed by the Senate, with  
amendments, on May ~~24~~ 28  
(2), 1997, by the following  
vote: Yeas 26  
30, Nays 0  
(3) (4)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT20;

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 104 was passed by the House on  
(1)

May 14, 1997, by the following vote:  
(2)

Yeas 126, Nays 0, 1 present, not voting  
(3) (4)

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.J.R. No. 107 was passed by the Senate on

May 24, 1997, by the following vote:  
(5)

Yeas 30, Nays 0  
(6) (7)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT23;

75TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HSR 104

Anna Mowery  
signature of primary author

Anna Mowery  
printed name of primary author

3-13-97  
Date

PERMISSION TO SIGN \_\_\_\_\_ HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

X ALL REPRESENTATIVES  
\_\_\_\_\_  
THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u>                    </u> Date	<u>A2645 Cuellar</u>	<u>                    </u> Date	<u>A2935 Giddings</u>	<u>                    </u> Date
<u>A2115 Allen</u>	<u>                    </u> Date	<u>A2635 Culberson</u>	<u>                    </u> Date	<u>A2880 Glaze</u>	<u>                    </u> Date
<u>A2105 Alvarado</u>	<u>                    </u> Date	<u>A2670 Danburg</u>	<u>                    </u> Date	<u>A2985 Goodman</u>	<u>                    </u> Date
<u>A2135 Averitt</u>	<u>                    </u> Date	<u>A2675 Davila</u>	<u>                    </u> Date	<u>A2990 Goolsby</u>	<u>                    </u> Date
<u>A2160 Bailey</u>	<u>                    </u> Date	<u>A2625 Davis</u>	<u>                    </u> Date	<u>A3005 Gray</u>	<u>                    </u> Date
<u>A2200 Berlanga</u>	<u>                    </u> Date	<u>A2680 Delisi</u>	<u>                    </u> Date	<u>A3010 Greenberg</u>	<u>                    </u> Date
<u>A2250 Bonnen</u>	<u>                    </u> Date	<u>A3385 Denny</u>	<u>                    </u> Date	<u>A3020 Grusendorf</u>	<u>                    </u> Date
<u>A2275 Bosse</u>	<u>                    </u> Date	<u>A2705 Driver</u>	<u>                    </u> Date	<u>A3030 Gutierrez</u>	<u>                    </u> Date
<u>A2260 Brimer</u>	<u>                    </u> Date	<u>A2665 Dukes</u>	<u>                    </u> Date	<u>A3035 Haggerty</u>	<u>                    </u> Date
<u>A2255 Burnam</u>	<u>                    </u> Date	<u>A2660 Dunnam</u>	<u>                    </u> Date	<u>A2695 Hamric</u>	<u>                    </u> Date
<u>A2400 Carter</u>	<u>                    </u> Date	<u>A2650 Dutton</u>	<u>                    </u> Date	<u>A3170 Hartnett</u>	<u>                    </u> Date
<u>A2585 Chavez</u>	<u>                    </u> Date	<u>A2770 Edwards</u>	<u>                    </u> Date	<u>A3345 Hawley</u>	<u>                    </u> Date
<u>A2480 Chisum</u>	<u>                    </u> Date	<u>A2760 Ehrhardt</u>	<u>                    </u> Date	<u>A3180 Heflin</u>	<u>                    </u> Date
<u>A2525 Christian</u>	<u>                    </u> Date	<u>A2775 Eiland</u>	<u>                    </u> Date	<u>A3230 Hernandez</u>	<u>                    </u> Date
<u>A2520 Clark</u>	<u>                    </u> Date	<u>A2785 Elkins</u>	<u>                    </u> Date	<u>A3240 Hightower</u>	<u>                    </u> Date
<u>A2435 Coleman</u>	<u>                    </u> Date	<u>A2810 Farrar</u>	<u>                    </u> Date	<u>A3310 Hilbert</u>	<u>                    </u> Date
<u>A2565 Cook</u>	<u>                    </u> Date	<u>A2830 Finnell</u>	<u>                    </u> Date	<u>A3250 Hilderbran</u>	<u>                    </u> Date
<u>A2595 Corte</u>	<u>                    </u> Date	<u>A2840 Flores</u>	<u>                    </u> Date	<u>A3275 Hill</u>	<u>                    </u> Date
<u>A2600 Counts</u>	<u>                    </u> Date	<u>A2920 Gallego</u>	<u>                    </u> Date	<u>A3270 Hinojosa</u>	<u>                    </u> Date
<u>A2605 Crabb</u>	<u>                    </u> Date	<u>A2910 Galloway</u>	<u>                    </u> Date	<u>A3285 Hirschi</u>	<u>                    </u> Date
<u>A2610 Craddick</u>	<u>                    </u> Date	<u>A2930 Garcia</u>	<u>                    </u> Date	<u>A3305 Hochberg</u>	<u>                    </u> Date

For chief clerk use only  
Bill or Resolution Number:\_\_\_\_\_

A3290 Hodge	Date	A3845 McReynolds	Date	A4435 Shields	Date
A3295 Holzheuser	Date	A3840 Merritt	Date	A4445 Siebert	Date
A3300 Horn	Date	A3850 Moffat	Date	A4525 Smith	Date
A3315 Howard	Date	A3860 Moreno	Date	A4530 Smithee	Date
A3355 Hunter	Date	A3865 Mowery	Date	A4550 Solis	Date
A3360 Hupp	Date	A3885 Naishtat	Date	A4505 Solomons	Date
A3375 Isett	Date	A3895 Nixon	Date	A4515 Staples	Date
A3380 Jackson	Date	A3875 Oakley	Date	A4510 Stiles	Date
A3415 Janek	Date	A3880 Oliveira	Date	A4570 Swinford	Date
A3405 Jones, Delwin	Date	A3886 Olivo	Date	A4585 Talton	Date
A3400 Jones, Jesse	Date	A4010 Palmer	Date	A4605 Telford	Date
A3440 Junell	Date	A4070 Patterson	Date	A4630 Thompson	Date
A3460 Kamel	Date	A4180 Pickett	Date	A4635 Tillery	Date
A3475 Keel	Date	A4185 Pitts	Date	A4640 Torres	Date
A3480 Keffer	Date	A4110 Place	Date	A2730 Turner, Bob	Date
A3465 King	Date	A4190 Price	Date	A4685 Turner, Sylvester	Date
A3485 Krusee	Date	A4200 Puente	Date	A4690 Uher	Date
A3490 Kubiak	Date	A4230 Rabuck	Date	A4720 Van de Putte	Date
A3450 Kuempel	Date	A4210 Ramsay	Date	A4990 Walker	Date
A3510 Laney	Date	A4240 Rangel	Date	A4995 West	Date
A3605 Lewis, Glenn	Date	A4235 Raymond	Date	A5035 Williams	Date
A3600 Lewis, Ron	Date	A4245 Reyna, Arthur	Date	A5010 Williamson	Date
A3615 Longoria	Date	A4236 Reyna, Elvira	Date	A5000 Wilson	Date
A3620 Luna, Vilma	Date	A4260 Rhodes	Date	A5020 Wise	Date
A3715 Madden	Date	A4315 Rodriguez	Date	A5015 Wohlgemuth	Date
A3750 Marchant	Date	A4320 Roman	Date	A4980 Wolens	Date
A2700 Maxey	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3665 McCall	Date	A4420 Seaman	Date	A5025 Yarbrough	Date
A3650 McClendon	Date	A4460 Serna	Date	A5040 Zbranek	Date

Morven

Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.

MAR 13 1997

Filed with the Chief Clerk

MAR 17 1997

Read first time and referred to Committee on State Affairs

May 5, 1997

Reported favorably (as amended)  
(~~unfavorably~~)

MAY 10 1997

Sent to Committee on Calendars

MAY 14 1997

Read second time (~~amended~~) (amended) and adopted (~~passed to third reading~~) by a record vote of 126 yeas, 0 nays, 1 present, not votingRead third time (amended) and finally adopted (failed of adoption) by a record vote of        yeas,        nays,        present, not voting

MAY 14 1997

Engrossed

MAY 15 1997

Sent to Senate

Sharon Carter

CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

May 27, 1997 Recalled by the Senate, resubmitted to SCIR 109  
May 28, 1997 Returned to the Senate for further action

MAY 20 1997

Received from the House

STATE AFFAIRS

MAY 20 1997

Read and referred to Committee on       

MAY 18 1997

Reported favorably       

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 24 1997

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(       yeas,        nays)

MAY 24 1997

Read second time,       , and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(       yeas,        nays)

MAY 24 1997

Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 24 1997

Read third time,       , and passed by 30 yeas, 0 nays

May 24, 1997

Returned to the House

Betty King

SECRETARY OF THE SENATE

## OTHER SENATE ACTION:

MAY 28 1997 Received again from the House for further consideration in the Senate  
MAY 28 1997 Senate reconsidered vote by which HJR 104 was finally passed by unanimous consent.  
MAY 28 1997 Senate adopted floor amend # 1 on 3rd reading and again finally passed HJR 104 by 26 yeas 0 nays.

MAY 24 1997

Returned from the Senate (~~as substituted~~)  
(~~with amendments~~)

MAY 28 1997

Returned from the Senate  
as amended

MAY 30 1997

House concurred in Senate amendments by a ~~record~~  
(record vote of 137 yeas, 0 nays, 1 present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;

Conference committee report adopted (rejected) by the House by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays